UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
ORR, HENRY W

ART UNIT	PAPER NUMBER
2176	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/749,769	BUDZISCH ET AL.
	Examiner	Art Unit	
	Henry Orr	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *30 December 2003*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-49* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-49* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date *7/3/2006, 2/1/2007*.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to application communication filed on 12/30/2003.

2.   Claims 1-49 are pending in the case. Claims 1, 11, 21 and 31 are independent

claims.

Priority

3.   Applicant's claim for the benefit of U.S. provisional application #60/513,942, filed

October 24, 2003 under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

4.   The information disclosure statements (IDS) submitted on 7/3/2006 and 2/1/2007

are in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is

considering the information disclosure statements.

Specification

5.   The abstract of the disclosure is objected to because the abstract exceeds 150

words in length. Also, the abstract refers to purported merits or speculative applications

of the invention.

        See MPEP § 608.01(b). Appropriate corrections are required.

        Applicant is reminded of the proper content of an abstract of the disclosure.

        A patent abstract is a concise statement of the technical disclosure of the patent
and should include that which is new in the art to which the invention pertains. If the
patent is of a basic nature, the entire technical disclosure may be new in the art, and the
abstract should be directed to the entire disclosure. If the patent is in the nature of an
improvement in an old apparatus, process, product, or composition, the abstract should

include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6.   The disclosure is objected to because of the following informalities:

a) On p. 3 line 4 in par. 5, **"application server 101"** should be replaced with

"application server 102", according to Figure 1.

b) On p. 3 line 7 in par. 5, **"application 101"** should be replaced with

"application 103", according to Figure 1.

c) On p. 7 line 1, "HTTP server 119" should be replaced with "HTTP server 118", according to Figure 1.

d) On p. 21 line 4 in par. 53, **"nfrastructure"** is misspelled.

e) On p. 22 line 1 in par. 55, **"Figur"** is misspelled.

f) On p. 22 line 10 in par. 55, **"a description of the scenario 410"** should be replaced with **"a description of the scenario 409"**, according to Figure 4.

g) On p. 22 line 10-11 in par. 55, **"the language of the scenario description 409"** should be replaced with **"the language of the scenario description 410"**, according to Figure 4.

h) On p. 21 line 6 par. 53, **",XML document"** appears to a typo, according to claims cited ".XML document" reference.

i) On p. 39 line 6, **Figure 6** does not exist.

Appropriate corrections are required.

Claim Objections

7.   **Claims 5-8, 15-18, 25-28 and 31-49 are objected to because of the following informalities:**

As per claims 5, 15, 25, 31, 33 and 44, the abbreviation **"IS"** should be replaced with **"Information Systems"** to avoid ambiguous interpretation.

Dependent claims 6-8, 16-18, 26-28 and 32-49 are objected for fully incorporating the deficiencies of their respective base claims.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   **Claims 3, 5-8, 10, 13, 15-18, 20, 23, 25-28, 30, 42, 44-47 and 49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 3, 13, 23 and 42 recite the phrase **"said percentage"**. There is insufficient antecedent basis for this limitation in the claims because **"said percentage"** has not been previously recited in their respective base claims.

Claims 5, 15, 25 and 44 recite the phrase **"the information"**. There is insufficient antecedent basis for this limitation in the claims because **"the information"** has not been previously recited in their respective base claims.

Claims 10, 20, 30 and 49 recites the phrase **"said second tree"**. There is insufficient antecedent basis for this limitation in the claim because **"said second tree"** has not been previously recited in their respective base claims.

Dependent claims 6-8, 16-18, 26-28 and 45-47 are rejected for fully incorporating the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1, 4, 5, 10, 11, 14, 15, 20, 21, 24, 25, 30-34, 37, 39, 40, 43, 44 and 49

are rejected under 35 U.S.C. 103(a) as being unpatentable over Naganathan, U.S.

Published Application #2004/0139194, in view of Novaes, U.S. Patent #6,735,200

B1.

Regarding claim 1, Naganathan teaches **"The consoles provide graphics**

visual representations of managed objects (for example, hosts and networks) to

users of the network management system 200" (par. 32). "The managed objects

are objects are arranged in a tree, showing a hierarchical relationship of the

components. Within the MIB, managed objects are logically grouped into

management modules that collectively implement management functions" (par.

37). (claim 1; i.e., displaying a tree on a graphical user interface, said tree comprising: a

first node that identifies a testing scenario one or more sub nodes of said first node,

each of said one or more sub nodes identifying a different software component of a

business logic process) Examiner interprets the managed objects to be capable of

representing a graphical hierarchical tree of applications or computing resources that

also can display a lower hierarchy level of software components because the managed

objects can be managed application software within an enterprise (par. 002). Examiner

also interprets the managed object to be a testing scenario because the managed

object is an application or network resource tested or monitored to determine the

availability status.

Naganathan also teaches **"allows users to monitor network resources to determine the status of the resources and when the resources are unavailable, the reason for the unavailability" (par. 12).** (claim 1; each of said one or more sub nodes capable of spawning its own sub node that indicates its corresponding software component is unavailable when its corresponding software component is unavailable.) Examiner interprets the network resources as including software components.

Although, Naganathan does teach displaying managed objects (i.e., application software component nodes) as a tree on a graphical user interface. Naganathan does not expressly teach the sub nodes of the tree as identifying software component availability. However, Novaes teaches **"monitoring mechanism which informs every node in a network of the availability status of any other node in the network" (col. 3 lines 17-20).**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the displayed tree of managed objects (i.e., application software component nodes) as taught by Naganathan to include an indication of the availability status of any node (i.e., parent nodes, sub nodes) as taught by Novaes to provide the benefit of allowing users to monitor the availability of network service resources (Naganathan; par. 30).

Regarding claim 4, Naganathan does not expressly teach nodes presenting text messages. However, Novaes teaches **"The node in the subnetwork multicast a verification message over the subnetwork in which it is attached" (col. 4 lines 43-**

46). (claim 4; i.e., wherein said each of said one or more sub nodes is capable of spawning a second sub node for presenting text messages.) Examiner interprets the multicast or "presented" verification message by the node to include a short status datagram message called a heartbeat that indicates the status of a node. Examiner also interprets the content of the datagram to be in text form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the displayed tree of managed objects (i.e., application software component nodes) as taught by Naganathan to include nodes that present heartbeat datagram messages in text form as taught by Novaes to provide the benefit of communicating to the users the availability status of network resources (Naganathan; par. 12) (Novaes; col. 4 lines 9-25).

Regarding claim 5, Naganathan does not expressly teach presenting text messages that was sent over a network. However, Novaes teaches **"Heartbeat—the verification messages sent in a communication network, or in a distributed computing system to determine operational status of hardware at one or more nodes" (col. 6 lines 31-34).** (claim 5; i.e., wherein the information presented by at least one of said text messages was provided in a message that was sent over a network within an IS infrastructure and from a location where said one or more software components were tested for availability.) Examiner interprets the "heartbeat" to be a datagram in text form corresponding to the status of resource provided in a verification message. Examiner also interprets the communication network to be capable of functioning as a network within an Information System infrastructure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the displayed tree of managed objects (i.e., application software component nodes) as taught by Naganathan to include nodes at the sub node position that presents heartbeat datagram messages in text form sent over a network as taught by Novaes from the network resources (i.e., application software components) tested for availability as taught by Naganathan to provide the benefit of allowing users to monitor the availability of network resources. (Naganathan; par. 12) (Novaes; col. 4 lines 9-25, col. 16 lines 5-25)

Regarding claim 10, Naganathan teaches **"managed objects are arranged in a tree, showing a hierarchical relationship of the components".** (claim 10; i.e., wherein said second tree is a sub tree of a larger presented tree.) Examiner interprets that the hierarchical tree of a managed object is capable of having a second tree that is a sub tree because each managed object represent a component and the components can be display a hierarchical relationship. Therefore, multiple managed object trees arranged in a hierarchical relationship represent a model of the network system (par. 37).

Claims 11, 14, 15 and 20 include a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claims 1, 4, 5 and 10 respectively; therefore the claims are rejected under the same rationale as method claims 1, 4, 5 and 10 above.

Claims 21, 24, 25 and 30 are system claims and are substantially encompassed in method claims 1, 4, 5 and 10 respectively; therefore the system claims are rejected under the same rationale as method claims 1, 4, 5 and 10 above.

Claim 31 is a method claim and is substantially encompassed in method claim 1; therefore the method claim is rejected under the same rationale as method claim 1 above. In respect to the additional limitation of claim 31 regarding repeatedly sending request messages to a destination within an IS infrastructure, Naganathan does teach **"regularly contacting the services to determine the availability of the accessed service" (par. 12-13).** (claim 31; i.e., repeatedly sending request messages to a destination within an IS infrastructure, each of said request messages identifying a plurality of software components to be tested for availability within a testing scenario, each of said software components used by a business logic process that is supposed to be capable of execution within said IS infrastructure.) Therefore, periodic transmittals of request messages are sent to the application service components of a managed object tree to gather information about the availability status.

Regarding claims 32 and 34, Naganathan teaches **"invention further include a configuration data generation unit for storing configuration information data for each service being monitored and measured. The configuration file that the configuration unit generates is different and specific to each service request transaction the user generates to a particular service. The configuration file also includes any configuration parameters for each service request the user issues" (par. 16).** (claim 32; further comprising reading a customizing file in order to prepare

said request messages, said customizing file comprising a section for said testing

scenario, said section identifying each of said software components and said

destination.) (claim 34; further comprising reading said customizing file in order to

prepare said second request messages, said customizing file comprising a second

section for said second testing scenario, said second section identifying each of said

software components within said second plurality of software components and said

second destination.) Examiner interprets the configuration file as the customizing file

because the user can customize the configuration file to include any configuration

parameters to test a particular network service (par. 53). The configuration file is also

capable of serving as the customized file for the second request message as recited as

in claim 34.

Regarding claim 33, Naganathan teaches **"regularly contacting the services to**

determine the availability of the accessed service" (par. 12). (claim 33; comprising

repeatedly sending second request messages to a second destination within said IS

infrastructure, each of said second request messages identifying a second plurality of

software components to be tested for availability within a second testing scenario, each

of said software components of said second plurality of software components used by a

second business logic process or other application that is supposed to execute within

said IS infrastructure.) Examiner interprets Naganathan invention to be capable of

regularly or "repeatedly" contacting multiple network services at different node locations,

which would require additional (i.e., second, third, fourth etc...) messages sent to obtain

availability status information.

Regarding claim 37, Naganathan teaches **"host finds the requested information and passes it back to the server which then transmits the information to the user via the console" (par. 8).** (claim 37; further comprising receiving response messages to said request messages, said response messages indicating availability or unavailability for each of said software components.) Examiner interprets the requested information to include availability messages. Examiner also interprets the server transmitting the information to the user as the response message, which can be related to the availability of a network resource.

Claim 39 is a method claim and is substantially encompassed in method claim 37; therefore the system claim is rejected under the same rationale as method claim 37 above.

Regarding claim 40, Naganathan teaches **"When a user connects to a service server, the SAMM 240 send protocol specific packets to the server based on the service being requested."** (claim 40; i.e., wherein said message is numerically encoded.) Examiner interprets the packets to be capable of containing messages in digital form or numerically encoded as binary numbers.

Claims 43, 44 and 49 are method claims and are substantially encompassed in method claims 4, 5 and 10 respectively; therefore the method claims are rejected under the same rationale as method claims 4, 5 and 10 above.

12.   Claims 2, 3, 12, 13, 22, 23, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naganathan, in view of Novaes as cited above, in further

view of Luzzi et al. (hereafter referred to as Luzzi), U.S. Patent # 6,141,699.

Regarding claims 2 and 3, neither Naganathan nor Novaes expressly teach availability as a percentage over a fixed time interval. However, Luzzi teaches **"The table comprises columns representing availability percentages for the day" (col. 22 lines 2-5).** (claim 2; i.e., wherein said own sub node indicates availability as a percentage.) (claim 3; i.e., wherein said percentage is calculated over a fixed time interval.) Examiner interprets Luzzi's Table 900 to illustrate percentages calculated over a fixed time interval such as over a day, month or fixed time interval of increasing granularity (col. 19 lines 54-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the displayed tree of managed objects (i.e., application software component nodes) as taught by Naganathan to include an indication of the availability status of any node as taught by Novaes and to represent the availability as a percentage over a fixed time interval as taught by Luzzi to provide the benefit of allowing users to easily measure and monitor the availability of network services. (Naganathan; par. 12)

Claims 12 and 13 include a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claims 2 and 3 respectively; therefore the claims are rejected under the same rationale as method claims 2 and 3 above.

Claims 22 and 23 are system claims and are substantially encompassed in method claims 2 and 3 respectively; therefore the system claims are rejected under the same rationale as method claims 2 and 3 above.

Claims 41 and 42 are method claims and are substantially encompassed in method claims 2 and 3 respectively; therefore the method claims are rejected under the same rationale as method claims 2 and 3 above.

13.   Claims 6-8, 16-18, 26-28, 35, 36, 38 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naganathan, in view of Novaes as cited above, in further view of Oliver et al. (hereafter referred to as Oliver), U.S. Published Application # 2003/0225876.

Regarding claim 6, neither Naganathan nor Novaes teach a message comprising of an xml document. However, Oliver teaches **"In step 715, the performance metrics are translated according to a schema prior to transmission over the performance message queue. The translation may be made according to any convenient schema. According to one embodiment of the present invention, the translation is made into an XML format. Subsequently in step 720, the polling agent publishes the performance metrics as XML messages over the performance queue. The performance messages are read by the performance monitor and the archive 205 which stores the performance metric data in an archival format as previously described" (par. 53).** (claim 6; i.e., wherein said message further comprised an .XML document.) Examiner interprets the performance message to be compatible with a XML document because the performance metrics inside the performance message are

translated into XML format.

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify the displayed tree of managed objects (i.e., application
software component nodes) as taught by Naganathan to include nodes that presents
heartbeat datagram messages in text form provided by a verification message as taught
by Novaes in which the verification message is modified to include performance metrics
translated in XML format as to be inherently compatible with a XML document as taught
by Oliver to provide the benefit of having a known format and structure that easily
permits the extraction of network element identifiers and associated performance
metrics to be periodically published over a network message queue to users monitoring
and measuring the availability of network resources (Naganathan; par. 12) (Novaes; col.
4 lines 9-25, col. 16 lines 5-25) (Oliver; par. 7, par. 24).

Regarding claim 7, neither Naganathan nor Novaes expressly teach a text
message that indicates a software component as unavailable. However, Oliver teaches
"messages may be in the form of textual warnings" (par. 39). (claim 7; i.e., wherein
said message further included an indication that the particular software component to
which said text message is presented in reference to is unavailable.)

Therefore in the same analogous art of determining network resource availability,
it would have been obvious to one of ordinary skill in the art at the time the invention
was made to modify the displayed tree of managed objects (i.e., application software
component nodes) as taught by Naganathan to include nodes at the sub node position
that presents heartbeat datagram messages in text form provided by a verification

message as taught by Novaes and to customized verification message to include

textual warnings about the availability of an network element to provide the benefit of

allowing users to monitor the availability of network resources. (Naganathan; par. 12),

(Novaes; col. 4 lines 9-25, col. 16 lines 5-25)

Regarding claim 8, neither Naganathan nor Novaes expressly teach a text

message presented in the color red. However, Oliver **Figure 9 illustrates a color**

menu palette that can be used by the user to select any color including red to

customize the color of a text message that is generated by a shell script. (claim 8;

i.e., wherein said text message is presented in the color red.)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the displayed tree of managed objects (i.e., application

software component nodes) as taught by Naganathan to include nodes at the sub node

position that presents heartbeat datagram messages in text form provided by a

verification message as taught by Novaes and to customized verification message to

include textual warnings in the color red using the color menu palette as taught by

Oliver to provide the benefit of allowing users to easily monitor and distinguish the

availability status of network resources (Naganathan; par. 12) (Novaes; col. 4 lines 9-

25, col. 16 lines 5-25) (Oliver; par. 5).

Claims 16, 17 and 18 include a program embodied on a computer readable

medium to implement the steps that are substantially encompassed in method claims 6,

7 and 8 respectively; therefore the claims are rejected under the same rationale as

method claims 6, 7 and 8 above.

Claims 26, 27 and 28 are system claims and are substantially encompassed in

method claims 6, 7 and 8 respectively; therefore the system claims are rejected under

the same rationale as method claims 6, 7 and 8 above.

Claims 35, 36, 38 are method claims and are substantially encompassed in

method claim 6; therefore the method claims are rejected under the same rationale as

method claim 6 above.

Claims 45, 46 and 47 are method claims and are substantially encompassed in

method claims 6, 7 and 8 respectively; therefore the method claims are rejected under

the same rationale as method claims 6, 7 and 8 above.

14.   **Claims 9, 19, 29 and 48 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Naganathan, in view of Novaes as cited above, in further view

of Walker et al. (hereafter referred to as Walker), U.S. Patent # 6,061,723.

Regarding claim 9, although Naganathan does teach the capability of presenting

a second tree by creating additional managed objects that display the hierarchical

relationships (par. 37). Neither Naganathan nor Novaes teach presenting a second tree

that indicates another testing scenario not working. However, Walker teaches "**Root**

cause failures and inaccessible interfaces on critical server nodes are displayed

in red to indicate Down status" (col. 16 lines 15-28). Examiner interprets the root

cause failure to be a primary failure that indicates a network element (i.e, an application

or "testing scenario") as not working instead of just being inaccessible or unavailable.

(claim 9; i.e., further comprising presenting a second tree, said second tree indicating

that another testing scenario is not working.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the displayed tree of managed objects (i.e., application software component nodes) as taught by Naganathan to include an indication of the availability status of any node as taught by Novaes and to create a second tree of managed objects that include root cause failure nodes that indicate network resources as not working as taught by Walker to provide the benefit of distinguishing between broken and inaccessible network elements (Naganathan; par. 12) (Novaes; col. 3 lines 17-20) (Walker; col. 3 lines 23-25).

Claim 19 includes a program embodied on a computer readable medium to implement the steps that are substantially encompassed in method claim 9; therefore the claim is rejected under the same rationale as method claim 9 above.

Claim 29 is a system claim and is substantially encompassed in method claim 9; therefore the system claim is rejected under the same rationale as method claim 9 above.

Claim 48 is a method claim and is substantially encompassed in method claim 9; therefore the method claim is rejected under the same rationale as method claim 9 above.

Conclusion

15.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308.

The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2/20/2007
HO

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